

REMARKS

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

The objection to the specification is respectfully traversed in view of the above amendments.

The rejection of claims 1-4 under 35 U.S.C. §112(second paragraph) for indefiniteness is respectfully traversed in view of the above amendments.

The rejection of claims 1-4 under 35 U.S.C. §112(first paragraph) for lack of enablement is respectfully traversed in view of the above amendments.

The rejection of claims 1-3 under 35 U.S.C. §102(b) as anticipated by Daskalakis et al. Blood, 110:2957-964(2002) (“Daskalakis”) is respectfully traversed.

Daskalakis relates to expression of p15 in biopsies from MDS patients. Daskalakis does not, however, disclose or suggest methods of biomarkers where the disease is cancer, as claimed in the present application.

In view of the foregoing, applicants submit that the above identified patent application is in condition for allowance and such allowance is earnestly solicited.

Dated: October 9, 2008

Respectfully submitted,

/karla m weyand /
Karla M. Weyand
Attorney for Applicants
Registration No. 40,223

Siemens Medical Solutions Diagnostics
511 Benedict Avenue
Tarrytown, New York 10591
Tel: (914) 524-2741
Fax: (914) 524-3594